

## Message Text

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ACTION EUR-12

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DODE-00 CIAE-00 PM-04 INR-07 PA-01 SS-15 PRS-01 SP-02

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INFO USMISSION NATO BRUSSELS

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DEPARTMENT PASS TO OSD/ISA AND JCS

E.O. 11652: N/A

TAGS: PFOR, PARM, ICRC, NATO, GW

SUBJECT: US-FRG CONSULTATIONS ON LAWS OF WAR

1. IN CONNECTION WITH MULTILATERAL CONSULTATIONS HOSTED BY FRG ON CIVIL DEFENSE ISSUES AT GENEVA CONFERENCE ON LAWS OF WAR, US REPS ALDRICH AND ANDERSON HAD SEVERAL USEFUL BILATERAL DISCUSSIONS WITH FRG REPS, BOTH FROM FONOFF AND FROM MOD. THESE DISCUSSIONS REVEALED THAT FRG RECOGNIZES THAT IT PROBABLY CANNOT SUCCEED IN STARTING NATO MILITARY COMMITTEE STUDY OF IMPLICATIONS OF DRAFT PROTOCOL PRIOR TO CONCLUSION OF CONFERENCE IN JUNE. AS ALTERNATIVE, FRG WELCOMES PROPOSAL MADE SEPARATELY BY BOTH FRENCH AND US REPS FOR A SERIES OF MEETINGS IN GENEVA DURING APRIL-JUNE PERIOD AMONG REPS OF NATO MEMBERS. THESE MEETINGS WOULD BE DESIGNED TO WORK OUT POSSIBLE TERMS OF REFERENCE FOR NATO STUDY, INCLUDING INTERPRETATIONS OF PROTOCOL TO BE GIVEN TO NATO M.C. FOR USE IN ITS STUDY.

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2. ALDRICH SPENT CONSIDERABLE TIME IN PRIVATE CONVERSATIONS WITH NEW FRG REP (AMB. ROBERT), AND NEW FRENCH REP (PAOLINI) REVIEWING ORIGINS, NEGOTIATING HISTORY, AND MEANING OF THOSE PROVISIONS OF DRAFT PROTOCOL WHICH ARE OF GREATEST CONCERN TO FRG MOD. ALDRICH POINTED OUT THAT INTERPRETIVE APPROACH TAKEN BY MOD COULD ONLY HURT OUR COMMON INTERESTS AND THAT

IT RESULTED IN INTERPRETATIONS THAT WERE NOT ONLY NOT SUPPORTED BY THE NEGOTIATING RECORD, BUT WERE IN SOME CASES INHERENTLY UNREASONABLE. AMB. ROBERT DID NOT DISAGREE BUT POINTED OUT THAT CONCERNS WITH THE PROTOCOL WERE WIDESPREAD WITHIN MOD AND WERE NOT SIMPLY HELD BY A FEW, MISGUIDED INDIVIDUALS. HE SAID THAT FONOFF BELIEVED THESE CONCERNS COULD ADEQUATELY BE MET BY ONE OR TWO APPROPRIATE STATEMENTS OF UNDERSTANDING OR RESERVATION, BUT THAT NATO MILITARY COMMITTEE ENDORSEMENT OF ADEQUACY OF SUCH RESERVATIONS WOULD BE MOST IMPORTANT.

3. IT WAS AGREED THAT MORE PRECISE SUGGESTIONS FOR NATO MEMBER STUDY WOULD BE CONSIDERED AT MEETING OF "INNER CORE" (US, UK, FRG, FRANCE, AND CANADA), TENTATIVELY SCHEDULED FOR MARCH 14 IN GENEVA. FRG MOD OFFICIALS EXPRESSED DESIRE FOR INCLUSION OF MILITARY COMMITTEE REPS FROM BRUSSELS IN AT LEAST SOME OF THE GENEVA MEETINGS DURING THE APRIL-JUNE PERIOD.

4. ON QUESTION OF DELAY IN OPENING OF PROTOCOLS FOR SIGNATURE, FRG STRESSED THE IMPORTANCE OF AT LEAST SIX MONTH PERIOD FOR CONCLUSION OF NATO STUDY. THEY BELIEVE DENMARK, NORWAY, AND NETHERLANDS WOULD SIGN PROTOCOLS AS SOON AS SIGNATURE WAS POSSIBLE, WITHOUT REGARD TO STATE OF NATO STUDY, AND FRG IS CLEARLY WORRIED THAT THIS MIGHT FORCE IT TO DO LIKEWISE FOR POLITICAL REASONS. ALDRICH PLANS TO DISCUSS DELAY LIMITED OFFICIAL USE

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IN OPENING OF PROTOCOLS FOR SIGNATURE WITH SWISS AUTHORITIES IN GENEVA ON FEBRUARY 21 AND ASSURED FRG THAT HE WOULD URGE SWISS TO BE DELIBERATE AND DELAY SIGNATURE AS A MINIMUM UNTIL AFTER COMPLETION OF UNGA, OR IN OTHER WORDS, AT LEAST UNTIL JANUARY 1978. STOESEL

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## Message Attributes

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